



Reprinted
January 31, 2006

HOUSE BILL No. 1287

DIGEST OF HB 1287 (Updated January 30, 2006 9:47 pm - DI 96)

Citations Affected: IC 8-16; IC 8-23; IC 9-13; IC 9-21; IC 9-22; IC 33-37; noncode.

Synopsis: Transportation. Requires the department of transportation to: (1) publish a notice of the time and place for the receiving of bids for a state highway contract in a newspaper; and (2) provide electronic access to the notice through the computer gateway administered by the office of technology. Provides for the removal of a vehicle left in the clear zone adjacent to an interstate highway for more than 24 hours. Authorizes the collection of a highway worksite zone fee under certain circumstances. Provides that a certain toll bridge owned and operated by the finance authority becomes the property of the state and may be operated as a toll bridge, and that any reserve funds held by the finance authority for certain future toll bridges in the same county are transferred to the department of transportation.

Effective: July 1, 2006.

Duncan, Goodin

January 10, 2006, read first time and referred to Committee on Roads and Transportation.
January 23, 2006, amended, reported — Do Pass.
January 30, 2006, read second time, amended, ordered engrossed.

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HB 1287—LS 6832/DI 92+



Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1287

A BILL FOR AN ACT to amend the Indiana Code concerning
utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-16-1-26 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This section
3 applies only to a bridge that:

- 4 (1) was constructed under this chapter; and
- 5 (2) crosses the Wabash River.

6 (b) Notwithstanding any other provisions of this chapter, a bridge
7 subject to this section ~~does not become a part of the system of state~~
8 ~~highways free of tolls or a tollway under IC 8-15-3 when bonds are~~
9 ~~retired and all funds fully reimbursed: on July 1, 2006, shall, without~~
10 **a deed of conveyance or any action by the authority, become the**
11 **property of the state to be operated and maintained by the**
12 **department as a part of the state highway system.**

13 (c) The department may operate the bridge as a toll bridge and:

- 14 (1) fix;
- 15 (2) maintain; and
- 16 (3) collect tolls for the use of;
- 17 **the bridge.**

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(d) Money collected for the use of a bridge subject to this section shall be allocated to the ~~authority~~ **department** and used ~~by the department~~ for the following purposes:

(1) Operation of the toll bridge facility.

(2) Maintenance of the toll bridge facility.

~~(3) A reserve fund for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to this section is located.~~

(e) Notwithstanding any other provision of this chapter, on July 1, 2006, all funds held by the authority pursuant to this section and section 18 of this chapter shall be transferred to the department to be used according to this section.

SECTION 2. IC 8-23-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. The department shall:**

(1) give notice of the time and place for the receiving of bids under this chapter in accordance with IC 5-3-1; and

(2) provide electronic access to a notice of the date, time, and place for the receiving of bids under this chapter through the computer gateway administered by the office of technology.

SECTION 3. IC 9-13-2-27.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 27.3. "Clear zone" means the unobstructed, relatively flat area, including any shoulder or auxiliary lane, provided beyond the edge of a highway for the recovery of errant vehicles.**

SECTION 4. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 69.1. "Freeway service patrol responder", for purposes of IC 9-21-16, has the meaning set forth in IC 9-21-16-0.5.**

SECTION 5. IC 9-13-2-127, AS AMENDED BY P.L.210-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:**

(1) A regular member of the state police department.

(2) A regular member of a city or town police department.

(3) A town marshal or town marshal deputy.

(4) A regular member of a county sheriff's department.

(5) A conservation officer of the department of natural resources.

(6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations

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of traffic regulations. However, for purposes of IC 9-21-16-4.5, the term refers to only the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A regular member of a county sheriff's department.

SECTION 6. IC 9-21-16-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. As used in this chapter, "freeway service patrol responder" means a regular member of the Indiana department of transportation's freeway service patrol.

SECTION 7. IC 9-21-16-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) A person may not stop, stand, or park a vehicle for more than twenty-four (24) hours in a clear zone that is adjacent to a highway that is a part of the interstate highway system.

(b) If a police officer or a freeway service patrol responder discovers a vehicle that is stopped, standing, or parked in violation of subsection (a), the police officer or freeway service patrol responder shall cause the vehicle to be removed from the clear zone and stored in a suitable place.

(c) The removal of a vehicle under subsection (b) is in addition to any penalty imposed under section 9 of this chapter.

(d) This section may not be construed to confer upon a freeway service patrol responder any police powers other than the power granted under subsection (b).

SECTION 8. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.
- (6) A vehicle located in a clear zone and subject to IC 9-21-16-4.5.

SECTION 9. IC 33-37-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section

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1 applies to criminal, infraction, and ordinance violation actions that are
2 traffic offenses (as defined in IC 9-30-3-5).

3 (b) The clerk shall collect a highway worksite zone fee of fifty cents
4 (\$0.50). However, the clerk shall collect a highway worksite zone fee
5 of twenty-five dollars and fifty cents (\$25.50) if:

6 (1) the criminal action, infraction, or ordinance violation is:

7 (A) exceeding a worksite speed limit (as provided in
8 IC 9-21-5-2 and authorized by IC 9-21-5-3); ~~or~~

9 (B) failure to merge (as provided in IC 9-21-8-7.5); ~~and or~~

10 **(C) reckless driving that endangers the safety of an**
11 **individual authorized by the Indiana department of**
12 **transportation to be in a highway worksite zone (as**
13 **provided in IC 9-21-8-52(b)); and**

14 (2) the judge orders the clerk to collect the fee for exceeding a
15 worksite speed limit, ~~or~~ failure to merge, **or reckless driving that**
16 **endangers the safety of an individual authorized by the**
17 **Indiana department of transportation to be in a highway**
18 **worksite zone.**

19 SECTION 10. [EFFECTIVE JULY 1, 2006] (a) The funds that
20 remain in the reserve fund on June 30, 2006, for future toll bridges
21 over the Ohio River to be located within the same county in which
22 the bridge subject to IC 8-16-1-26, as amended by this act, is
23 located shall be transferred to the Indiana department of
24 transportation on July 1, 2006.

25 (b) This SECTION expires January 1, 2007.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This section applies only to a bridge that:

- (1) was constructed under this chapter; and
- (2) crosses the Wabash River.

(b) Notwithstanding any other provisions of this chapter, a bridge subject to this section ~~does not become a part of the system of state highways free of tolls or a tollway under IC 8-15-3 when bonds are retired and all funds fully reimbursed: on July 1, 2006, shall, without a deed of conveyance or any action by the authority, become the property of the state to be operated and maintained by the department as a part of the state highway system.~~

(c) The department may operate the bridge as a toll bridge and:

- (1) fix;
- (2) maintain; and
- (3) collect tolls for the use of;

the bridge.

~~(c)~~ (d) Money collected for the use of a bridge subject to this section shall be allocated to the ~~authority~~ **department** and used ~~by the department~~ for the following purposes:

- (1) Operation of the toll bridge facility.
- (2) Maintenance of the toll bridge facility.
- ~~(3) A reserve fund for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to this section is located."~~

Page 1, line 3, delete "may:" and insert "**shall:**".

Page 1, line 5, delete "or" and insert "**and**".

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-27.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.3. "Clear zone" means the **unobstructed, relatively flat area, including any shoulder or auxiliary lane, provided beyond the edge of a highway for the recovery of errant vehicles.**

SECTION 4. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 69.1. "Freeway service patrol responder", for purposes of IC 9-21-16, has the meaning set forth in IC 9-21-16-0.5.**

SECTION 5. IC 9-13-2-127, AS AMENDED BY P.L.210-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.
- (6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. **However, for purposes of IC 9-21-16-4.5, the term refers to only the following:**

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A regular member of a county sheriff's department.

SECTION 6. IC 9-21-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) A person who violates section 4, 5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.

(b) Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 16 of this chapter; and
- (2) IC 34-28-5-5(c), civil penalties collected for a violation of section 16 of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

SECTION 7. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 49. (a) Except as provided in sections 50, 51, 52, and 54 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of:
 - (A) section 8(b)(2) of this chapter if a vehicle is driven to the left side of the roadway when:

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- (i) approaching within one hundred (100) feet of; or
 - (ii) traversing;
 - a railroad grade crossing; or
 - (B) section 39 of this chapter; and
 - (2) IC 34-28-5-5(c), civil penalties collected under:
 - (A) section 8(b)(2) of this chapter for a violation described in subdivision (1)(A); and
 - (B) section 39 of this chapter;
- shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

SECTION 8. IC 9-21-8-52, AS AMENDED BY P.L.1-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
 - (A) endanger the safety or the property of others; or
 - (B) block the proper flow of traffic;
- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;
- (3) drives in and out of a line of traffic, except as otherwise permitted;
- (4) speeds up or refuses to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass; or
- (5) passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position;

commits a Class B misdemeanor.

(b) A person who:

- (1) operates a vehicle; and
- (2) recklessly drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to endanger the safety of an individual authorized by the Indiana department of transportation to be in a highway worksite zone;

commits a Class A misdemeanor.

~~(b)~~ (c) If an offense under subsection (a) results in damage to the property of another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

- (1) not less than thirty (30) days; and
- (2) not more than one (1) year.

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SECTION 9. IC 9-21-12-11, AS AMENDED BY P.L.231-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of this chapter commits a Class C infraction. **Notwithstanding:**

(1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 5 of this chapter; and

(2) IC 34-28-5-5(c), civil penalties collected for a violation of section 5 of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

SECTION 10. IC 9-21-16-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in this chapter, "freeway service patrol responder" means a regular member of the Indiana department of transportation's freeway service patrol.**

SECTION 11. IC 9-21-16-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.5. (a) A person may not stop, stand, or park a vehicle for more than twenty-four (24) hours in a clear zone that is adjacent to a highway that is a part of the interstate highway system.**

(b) If a police officer or a freeway service patrol responder discovers a vehicle that is stopped, standing, or parked in violation of subsection (a), the police officer or freeway service patrol responder shall cause the vehicle to be removed from the clear zone and stored in a suitable place.

(c) The removal of a vehicle under subsection (b) is in addition to any penalty imposed under section 9 of this chapter.

(d) This section may not be construed to confer upon a freeway service patrol responder any police powers other than the power granted under subsection (b).

SECTION 12. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an

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automobile scrapyard.

(5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

(6) A vehicle located in a clear zone and subject to IC 9-21-16-4.5.

SECTION 13. IC 9-24-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) Except as provided in sections 16 and 17 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Notwithstanding:

(1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 6(a)(7) or 6(a)(8) of this chapter; and

(2) IC 34-28-5-5(c), civil penalties collected for a violation of section 6(a)(7) or 6(a)(8) of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

SECTION 14. IC 33-37-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-30-3-5).

(b) The clerk shall collect a highway worksite zone fee of fifty cents (\$0.50). However, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50) if:

(1) the criminal action, infraction, or ordinance violation is:

(A) exceeding a worksite speed limit (as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3); ~~or~~

(B) failure to merge (as provided in IC 9-21-8-7.5); ~~and or~~

(C) reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation to be in a highway worksite zone (as provided in IC 9-21-8-52(b)); and

(2) the judge orders the clerk to collect the fee for exceeding a worksite speed limit, ~~or~~ failure to merge, **or reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation to be in a highway worksite zone."**

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Delete pages 2 through 6.
Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.
(Reference is to HB 1287 as introduced.)

DUNCAN, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(e) Notwithstanding any other provision of this chapter, on July 1, 2006, all funds held by the authority pursuant to this section and section 18 of this chapter shall be transferred to the department to be used according to this section."

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE JULY 1, 2006] (a) The funds that remain in the reserve fund on June 30, 2006, for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to IC 8-16-1-26, as amended by this act, is located shall be transferred to the Indiana department of transportation on July 1, 2006.

(b) This SECTION expires January 1, 2007."

(Reference is to HB 1287 as printed January 24, 2006.)

DUNCAN

HOUSE MOTION

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 3, delete lines 2 through 42.

Page 4, delete lines 1 through 34.

Page 5, delete lines 28 through 38.

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Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as printed January 24, 2006.)

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